(amended by By-law 89-2025, May 26, 2025)

BY-LAW NUMBER 149-2024

A BY-LAW TO ESTABLISH THE POSITION OF THE CHIEF ADMINISTRATIVE OFFICER FOR THE CORPORATION OF THE CITY OF WINDSOR

Passed the 23rd day of September, 2024

WHEREAS section 229 of the Municipal Act, 2001, S.O. 2001, c.25 ("Municipal Act") as amended, authorizes municipalities to appoint, by by-law, a chief administrative officer who shall be responsible for exercising general control and management of the affairs of the municipality for the purpose of ensuring the efficient and effective operation of the municipality and performing such other duties as are assigned by the municipality;

AND WHEREAS the powers of the municipality under section 229 of the Municipal Act with respect to the chief administrative officer have been assigned to the head of council pursuant to the provisions of section 284.5 of the Municipal Act;

AND WHEREAS despite the provisions of section 284.5 of the Municipal Act, the Council of The Corporation of the City of Windsor considers it desirable and expedient to create the office of the Chief Administrative Officer and to define and determine the duties and responsibilities thereof;

THEREFORE the Council of the Corporation of the City of Windsor enacts as follows:

PARTI

1. POSITION OF CHIEF ADMINISTRATIVE OFFICER

The most senior administrative position within The Corporation of the City of Windsor
("the City") shall be known as the Chief Administrative Officer.

PART II

2. Where the head of council **does not exercise** the special powers and duties set out in section 284.5 of the Municipal Act, sections 3, 4, 5, and 6 of this by-law shall apply to the Chief Administrative Officer.

3. APPOINTMENT BY BY-LAW

Council shall appoint the Chief Administrative Officer by by-law.

4. RESPONSIBLE TO COUNCIL

The Chief Administrative Officer shall implement council's decisions and establish administrative practices and procedures to carry out council's decisions and shall carry out the duties and responsibilities set out in this by-law. The Chief Administrative Officer shall assist the Council to discharge its

responsibilities, and in a non-partisan manner provide guidance to Council members to carry out their duties.

5. DUTIES

The Chief Administrative Officer shall have responsibility for initiating, directing, coordinating, and providing to Council the following:

1) Specific Duties

a) Undertake research and provide advice to Council on the policies and programs of the municipality,
b) Strategic guidance and advice for the effective delivery of programs and services in a manner which is consistent with the well being of all of the City's residents,
c) Regular updates on Corporate and Community Strategic Planning initiatives,
d) Regular organizational and operational reviews, ensuring effective and efficient utilization of existing resources,
e) Regular reports on the overall efficiency of operations,
f) The financial control of the City with general assistance from the Treasurer, ensuring regular reporting to Council on the financial status of the municipality,
g) The annual estimates (current and capital budgets) and subsequent implementation and monitoring of such budgets as deemed to be adopted by the municipality, through the office of the Treasurer,
h) The City's Annual Performance Measures as required by Provincial regulations,
i) Information and reports in a timely manner for deliberation, as requested by Council, and
j) Administrative and or policy/operational issues and advice as may be requested or required by Council, including attending all Council meetings, and being entitled to speak at the meetings with the consent of the head of council, and

2) General Duties

a) For the management of the human, fiscal and physical resources of the City,
b) To lead, direct, coordinate and supervise the implementation of Council decisions and establish administrative practices and procedures to carry out Council's decisions,
c) To provide leadership and direction to all departments, ensuring the corporate coordination of the activities of all departments and the efficient and consistent implementation of policies and decisions of Council,
d) Hold regularly scheduled meetings with the Senior Management of the City for the purpose of providing direction and discussing management issues, corporate policy and general coordination of matters of significance to the operations of the City.
e) To encourage continuous improvement throughout the City's administration in the delivery of City Services to the public and the management of the City's affairs,
f) To foster a positive working relationship with all members of Council, and build a positive and collegial atmosphere with all City employees and bargaining units,
g) To foster a climate of positive community relations,
h) To carry out such additional administrative responsibilities and duties as may be delegated by Council through resolution or by-law from time to time,

i) To manage the interests of the City on intergovernmental issues at the administrative level through active participation in professional associations and through lobbying efforts with applicable Provincial and Federal ministries, agencies and Crown corporations, as well as foreign governments, and

j) To develop and maintain communication linkages with officials, groups, agencies, other jurisdictions and stakeholders as is necessary to carry out the responsibilities of the office of the Chief Administrative Officer and promote the interests of the City.

3) Human Resources Duties

a) Corporate Leadership Team:

The Chief Administrative Officer shall recommend to Council the appointment and dismissal of the Corporate Leadership Team (i.e. Commissioners) and statutory officers of the City. The Chief Administrative Officer shall be responsible to provide leadership, direction, supervision and annual performance appraisals with respect to all Corporate Leadership Team Members as well as any other positions reporting directly to the Chief Administrative Officer, in the performance of their duties and responsibilities including those individuals who are statutory officials appointed under any statute. The Chief Administrative Officer shall have the authority to approve leaves of absence with pay, partial pay and without pay, for periods of time that are consistent with existing policies of the City and shall keep Council apprised of those decisions.

b) Non -Union Personnel:

The Chief Administrative Officer shall have overall responsibility for non-union personnel including the appointment, employment, suspension, discipline or dismissal of such employees in accordance with all applicable employment agreements, or terms and conditions of employment.

c) Union Personnel:

The Chief Administrative Officer shall have overall responsibility for the appointment and employment of all other employees of the City in accordance with the collective b□rgaining agreements and to suspend or dismiss such employees for cau·se subject to the grievance procedures established in the respective collective agreement.

d) Collective Bargaining:

The Chief Administrative Officer shall provide direction for Collective Bargaining activities for all City Employees in accordance with instructions from Council.

e) Access to Personnel Records:

The Chief Administrative Officer shall have full free and unrestricted access to all personnel records of the City.

f) Settlement Authority:

The Chief Administrative Officer is authorized to settle any employment-related matters, including claims, grievances, arbitrations and human rights claims, that have been filed or may be filed against the Corporation**. (added By-law 89-2025, May 26/25)**

6. PERFORMANCE

The Chief Administrative Officer shall hold office at the pleasure of Council. Any matters related to the performance of the Chief Administrative Officer (including establishing corporate and personal objectives) shall be conducted by Council, or a Committee of Council, if so delegated. Meetings shall be scheduled at regular

intervals for the purpose of reviewing the Chief Administrative Officer's performance. Council may in their sole discretion, suspend or dismiss the Chief Administrative Officer subject to compliance with any contractual agreement.

PART lll

7. Where the head of council **exercises** the special powers and duties set out in Part VI.I of the Municipal Act, sections 4, 5(1), 5(2), 8 and 9 of this by-law shall apply to the Chief Administrative Officer.

8. DUTIES

The Chief Administrative Officer shall have the following authority with respect to human resources:

1) All Corporate Leadership Team members, or as the head of council may decide from time to time:

   The Chief Administrative Officer shall be responsible to provide leadership, direction, supervision and annual performance appraisals with respect to all Corporate Leadership Team Members, as well as any other positions reporting directly to the Chief Administrative Officer, in the performance of their duties and responsibilities. The Chief Administrative Officer shall have the authority to approve leaves of absence with pay, partial pay and without pay, for periods of time that are consistent with existing policies of the City and shall keep Council apprised of those decisions.

2) Statutory Officers identified in s. 284.6(3) Municipal Act ("statutory officers"):

   The Chief Administrative Officer shall recommend to Council the appointment and dismissal of the statutory officers of the City, and have overall responsibility for all statutory officers in accordance with all applicable employment agreements, or terms and conditions of employment.

3) Non-Union Personnel at the level of Manager and above, or as the head of council may decide from time to time:

   The Chief Administrative Officer shall have overall responsibility for all non-union personnel at the level of Manager and above, or as the head of council may decide from time to time, and the statutory officers of the City, and shall be responsible to provide leadership, direction, and supervision in the performance of their duties and responsibilities.

4) Non - Union Personnel below the level of Manager, or as the head of council may decide from time to time:

   The Chief Administrative Officer shall have overall responsibility for all non-union personnel below the level of Manager, or as the head of council may decide from time to time, including the appointment, employment, suspension, discipline, or dismissal of such employees in accordance with all applicable employment agreements, or terms and conditions of employment.

5) Union Personnel:

The Chief Administrative Officer shall have overall responsibility for the appointment and employment of all union employees of the City in accordance with the collective bargaining agreements and to suspend, discipline, or dismiss such employees subject to the grievance procedures established in the respective collective agreements.

6) Settlement Authority:

The Chief Administrative Officer is authorized to settle any employment-related matters, including claims, grievances, arbitrations and human rights claims, that have been filed or may be filed against the Corporation by employees or former employees of the Corporation below the level of Manager, or as the head of Council may decide from time to time**. (added By-law 89-2025, May 26/25)**

9. PERFORMANCE

The Chief Administrative Officer shall hold office at the pleasure of the head of council. The head of council may, in their sole discretion, suspend or dismiss the Chief Administrative Officer subject to compliance with any contractual agreement.

PART IV

10. DELEGATION OF AUTHORITY/RESPONSIBILITY

1) The Chief Administrative Officer is authorized to delegate such authority as is assigned to the position, for the purpose of establishing an efficient and effective administrative structure, and administrative processes.

2) The Chief Administrative Officer is authorized to appoint a member of the Corporate Leadership Team to act in the absence of the Chief Administrative Officer on a temporary basis. Such appointment shall be made in writing and be communicated to Council and all members of the Corporate Leadership Team and shall specify the period of time for the temporary appointment.

3) The head of council has the authority to make a temporary appointment of a Chief Administrative Officer during an extended period of absence by the Chief Administrative Officer, and to confirm such appointment by way of by-law.

10.1 POSITION OF DEPUTY CHIEF ADMINISTRATIVE OFFICER

The position of Deputy Chief Administrative Officer is hereby established. The Deputy Chief Administrative Officer shall have the same responsibilities, duties and authorities as are assigned by this by-law to the Chief Administrative Officer and are to be exercised in the absence of the Chief Administrative Officer. **(added By-law 89-2025, May 26/25)**

11. SALARY AND BENEFITS

The salary, benefits, and conditions for service of the Chief Administrative Officer shall be determined in accordance with the established Non-Union - Corporate Leadership Team Salary Schedule as may be amended from time to time.

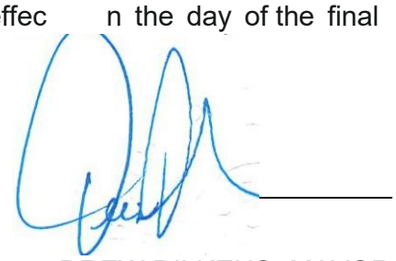
12. LIMITATIONS/CONFLICTING PROVISIONS

Despite any provisions contained in this by-law, there is no implied authority empowering the Chief Administrative Officer to do or direct any matter or thing, which would to any extent whatsoever, encroach upon the legislative powers of Council, its Committees or upon the statutory or professional duties of its officers.

13. REPEAL OF BY-LAW 218-2002

By-law 218-2002 passed on August 12, 2002 and any amendments thereto are hereby repealed upon the enactment of this by-law.

14. This by-law shall come into force and take effec n the day of the final passing thereof.



DREW DILKENS, MAYOR

CITY CLERK

First Reading - September 23, 2024
Second Reading- September 23, 2024
Third Reading - September 23, 2024